

Alabama State Board of Auctioneers

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Auctioneers

RULE NO. & TITLE: 150-X-1-.02 Application for Auctioneer's License

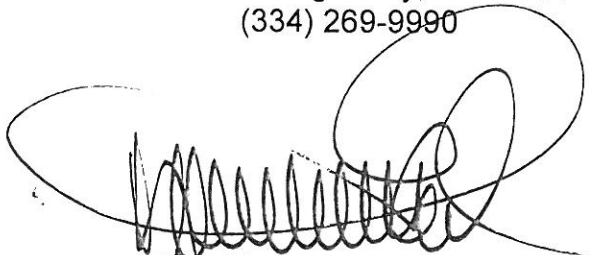
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION: The Board proposes to create the application and license process for auctioneer corporations, associations or partnership operating an auction business in the State of Alabama.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:30 p.m. on Friday, September 3, 2010. Comments should be directed to Keith E. Warren, Executive Director, at 610 S. McDonough Street, Montgomery, AL 36104 or via electronic mail at keith@warrenandco.com or via telephone at 334-269-9990.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Friday, September 3, 2010

CONTACT PERSON AT AGENCY: Keith E. Warren
Executive Director
610 S. McDonough Street
Montgomery, AL 36104
(334) 269-9990



Keith E. Warren, *Executive Director*
Alabama State Board of Auctioneers

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control _____ Department or Agency: Alabama State Board of Auctioneers
Rule No.: 150-X-1-.02
Rule Title: Application For Auctioneer's License
_____ New X Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly
Harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's
Police power and the protection of the public health,
Safety, or welfare? Yes

Is there another, less restrictive method of regulation
Available that could adequately protect the public? No

Does the proposed rule have the effect of directly or
Indirectly increasing the costs of any goods or services
Involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public
Than the harm that might result from the absence of
The proposed rule? No

Are all facets of the rulemaking process designed solely
For the purpose of, and so they have, as their primary
Effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be
accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-
22-23, Code of Alabama, 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the
requirements of Chapter 22, Title 41, Code of Alabama, 1975, and that it conforms to all
applicable filing requirements of the Administrative Procedure Division of the Legislative
Reference Service.

Signature of certifying officer _____

Date: 7/20/10

REC'D & FILED

JUL 20 2010

(DATE FILED)
(STAMP)

LEGISLATIVE REFERENCE SERVICE

150-X-1-.02 APPLICATION FOR AUCTIONEER'S LICENSE.

- (a) Upon application for a principal auctioneer's license, each apprentice auctioneer must present a statement signed by his/her principal auctioneer, stating that said apprentice has participated as principal auctioneer in the required number of sales during the course of his/her apprenticeship. The applicant must furnish proof of the sales in the form of advertisements containing the applicant's name and license number in equal prominence with the name and license number of the sponsoring auctioneer, and proof that he/she was compensated for his/her services in these sales in the form of copies of canceled checks showing that the monies went through the sponsor's escrow account. (34-4-21)
- (b) In situations where there is no advertising and all proceeds and disbursements are handled entirely in cash, copies of closing statements giving an account of all proceeds and disbursements will be acceptable. The closing statements must give the date and location of the sale involved and bear the signature of the sponsoring auctioneer and the apprentice auctioneer. (34-4-21)
- (c) Non-resident, non-reciprocal applicants must prove they have been active auctioneers during the past five years immediately preceding the date of application. Proof of activity shall be in the form of advertisements containing the applicant's name, copies of closing statements which show the date of the sale and are signed by the applicant, and copies of county and or municipal auctioneer licenses, all of which must contain dates which will effectively verify five years in the business. (34-4-25)
- (d) Any corporation, association or partnership desiring to obtain a license shall furnish the following to the Board:
 - (1) A completed, signed and notarized application form, as prescribed by the Board, accompanied by the appropriate filing fee determined by the Board;
 - (2) If such corporation is a foreign corporation, satisfactory evidence approved by the Board that such corporation is authorized to do business in this state and is registered with the Alabama Secretary of State, in accordance with Article 15 of Title 10, Code of Alabama;
 - (3) Satisfactory evidence approved by the Board that the corporation, association or partnership employs or shall employ an auctioneer or auctioneers licensed under the provisions of this chapter to conduct any auctions in this state;
- (e) Prior to the issuance of a license, each auctioneer, corporation, association or partnership responsible to account for or remit funds of others that come into its possession shall forward or shall cause to be forwarded to the Board the following:
 - (1) The name of the bank and the account number of any escrow or trustee account wherein the funds of others held by the auctioneer, corporation, association or partnership are maintained.
 - (2) An authorization permitting the examination of any escrow or trustee account by a duly authorized representative of the Board, when so directed by the Board.
 - (3) Any licensed auctioneer in Alabama who works directly for an auction company or who works directly for another licensed auctioneer who maintains an active escrow account may use that escrow account and number in all applications for

licensure or renewal, provided that the escrow account is used solely for the purpose of holding funds of others in relation to auctions.

- (f) Reciprocity will be granted to those states having licensing requirements of equal or higher standards than Alabama and who have entered into a reciprocal agreement with the board. Applicants for reciprocity from states without an apprenticeship program equivalent to the Alabama apprenticeship program will be required to be licensed in their home state for two years prior to application for reciprocity as stated in the reciprocal agreement. (34-4-25)
- (g) Incomplete applications will be returned to the applicant with a letter describing deficient items to be completed and returned to the board. Incomplete applications will be considered expired after one (1) year from the first date of notification of such deficiencies. (34-4-4)
- (h) Upon the expiration of a license in good standing due solely to licensee's failure to renew, the Board may reissue the same license number to said licensee upon his/her written request therefor and successful completion of all requirements for re-licensure within 365 days from the date of expiration of the unrenewed license. The Board shall not reissue the same license number to any former licensee who does not successfully complete the licensure requirements within said period, despite any request therefor